

Message Text

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15

ACTION IO-10

INFO OCT-01 EUR-12 EA-06 ISO-00 AF-06 ARA-06 NEA-09 ACDA-05

DPW-01 CIAE-00 PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 OIC-02 /101 W

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R 131735Z FEB 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 683

INFO AMEMBASSY BANGKOK

AMEMBASSY BONN

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PHNOM PENH

AMEMBASSY SAIGON

USMISSION USUN NEW YORK

AMEMBASSY VIENTIANE

AMEMBASSY WARSAW

AMEMBASSY WELLINGTON

USDEL FPJMT SAIGON

CMDR JCRC THAILAND

SECSDEF

CINCPAC

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E.O. 11652: NA

TAGS: PFOR, MOPS, ICRC

SUBJECT:.. MISSION IN ACTION AT LAWS OF WAR CONFERENCE

REF: GENEVA 1701 (141913Z MAR 74 -- NOTAL)

1. DISCUSSION OF PROPPSED NEW ARTICLE IN GENEVA

CONVENTION ON MISSING AND DEAD IN ARMED CONFLICTS OPENED

FEB 13, IN COMMITTEE TWO OF LAWS OF WAR CONFERENCE. TEXT

OF ARTICLE, NUMBERED "18BIS," IS SAME AS INTRODUCED AT

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FIRST SESSION OF CONFERENCE IN 1974, SPONSORED BY

USG,UK, AND FRG (REFTEL).

2. BY ARRANGEMENT WITH CHAIRMAN OF COMMITTEE (NAHLIK, POLAND) CONSIDERATION OF SUBJ OPENED WITH PRESENTATION BY MARC SCHWEIBER, DIRECTOR, UN OFFICE OF HUMAN RIGHTS, OF UN RESOLUTION ON MIA'S (3220 (XXIX)) ADOPTED BY UNGA WITHOUT DISSENT NOV 6, 1974. SCHREIBER NOTED THAT THIS RESOLUTION REFLECTED WIDE CONCERN OF INTERNATIONAL COMMUNITY ABOUT THIS HUMANITARIAN PROBLEM, ADDING THAT ABSTENTIONS AT TIME OF ITS APPROVAL CONCERNED AMENDMENTS WHICH WERE OR WERE NOT ADOPTED. HIS PRESENTATION WAS FIRST STATEMENT BY A UN REPRESENTATIVE AT THIS CONFERENCE AND PROVIDED HELPFUL BASIS FOR DISCUSSION OF MIA'S.

3. PROPOSED ART WAS FORMALLY INTRODUCED BY WEST GERMAN REP (BOTHE) ON BEHALD OF THE SPONSORS, WITH PREPARED STATEMENT REVIEWING HISTORY OF SUBJ AND STRESSING IMPORTANCE OF IMPROVING INTN'L LEGAL BASIS FOR ACCOUNTING FOR MIA'S AND PROTECTING GRAVES.

4. NEXT SPEAKER WAS ICRC REP (MME. BUJARD), WHO ALSO ENDORSED PROPOSED ART, PARTICULARLY WELCOMING ITS EMPHASIS ON NEED TO OBTAIN AND TRANSMIT INFORMATION ON THE MISSIONS. ICRC REP REVIEWED EXISTING PROVISIONS IN GENEVA CONVENTIONS ON THIS SUBJ AND SAID PROPOSED ART WOULD FILL GAPS. SHE ALSO INTRODUCED REP OF ICRC'S CENTRAL TRACING AGENCY, WHO WILL BE PRESENT AS RESOURCE PERSON ON THIS SUBJ.

5. DISCUSSION ON SUBJ WILL CONTINUE FEB 14, WITH CONSIDERATION OF AMENDMENTS BY CANADA, NEW ZEALAND, UK, ITALY, AND AUSTRALIA. WE ANTICIPATE DISCUSSION IN FULL COMMITTEE WILL CONCLUDE THAT DAY AND THAT SUBJ WILL BE REFERRED TO WORKING COMMITTEE TO COME UP WITH AGREED LANGUAGE.

6. ONLY SUBSTANTIVE CRITICISM OF PROPOSED TO EMERGE THUS FAR HAS BEEN IN FORM OF PRIVATE COMMENT LIMITED OFFICIAL USE

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BY SOVIET DELEGATE TO US DELEGATE CONCERNING PROVISION FOR ACCESS TO GRAVES BY RELATIVES. AS DRAFTED, SUCH VISITS WOULD BE AUTHORIZED "AS SOON AS CIRCUMSTANCES PERMIT, AND AT THE LATEST FROM THE END OF ACTIVE HOSTILITIES." SOVREP OBSERVED THIS WOULD HAVE AUTHORIZED VISITS BY RELATIVES OF 500,000 GERMANS TO GRAVES AT LENINGRAD IN 1945, AND THAT IT WOULD HAVE BEEN IMPOSSIBLE TO PROTECT SUCH VISITORS

FROM THE WRATH OF THE SOVIET POPULATION. HE SAW NO
PROBLEM WITH ACCESS TO GRAVES BY OFFICIAL GRAVES
REGISTRATION SERVICES OR REP OF INTERNATIONAL
HUMANITARIAN ORGAIZATIONS. WE HAD ANTICIPATED SOVS
WOULD QUESTION PROPOSED RIGHT OF FAMILY VISITS AND
ARE PLEASED THATPOINT THEY HAVE RAISED CONCERNS
TIMING OF SUCH VISITS, RATHER THAN FACT OF VISITS
THEMSELVES. WE BELIEVE THIS PROBLEM CAN BE IRONED
OUT IN DRAFTING SESSION.
DALE

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